

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2444 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

=====

1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

-----  
HIRALAL LIMBABHAI PATEL

Versus

STATE OF GUJARAT

-----  
Appearance:

MR CJ VIN for Petitioners

Ms MANISHA LAVKUMAR, AGP for Respondents

-----  
CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 20/07/1999

ORAL JUDGEMENT

Heard Mr CJ Vin, learned counsel for the  
petitioners and Ms Manisha Lavkumar, learned AGP for the  
respondents.

2. In this petition, the petitioners have challenged  
the order dated 3.7.1992 passed by the State Government  
under Section 34 of the Urban Land (Ceiling & Regulation)  
Act, 1976 declaring 3150 sq.mtrs. of the petitioners'  
holding as excess vacant land and directing the Competent

Authority to proceed further in the matter.

3. While issuing notice on this petition, this Court directed the parties to maintain status quo with respect to the subject matter of the petition. While admitting the petition on 30.6.1994, this Court granted liberty to the petitioners to challenge the notifications issued under sub-sections (3) and (5) of Section 10 of the Urban Land (Ceiling & Regulation) Act, 1976 and this Court continued the ad-interim order as interim order. The authorities have not taken over possession of the land in question from the petitioners, which fact is not in dispute in view of the instructions contained in the letter No. KS/30SCA/General/99/V-4, dated 23.6.1999 from the Section Officer, Revenue Department, Government of Gujarat to the Government Pleader.

4. The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999, passed under Article 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the order impugned in the present petition does not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

5. The petition is accordingly disposed of as having abated. There shall be no order as to costs.

July 20, 1999 (M.S. Shah, J.)  
sundar/-